

## MT DEPARTMENT OF MILITARY AFFAIRS INFORMATION SHEET

## HOUSE BILL NO. 532

**A BILL WHICH CLARIFIES THAT NATIONAL GUARD RESOURCES MAY BE USED TO PREPARE FOR STATE ACTIVE DUTY ORDERED BY THE GOVERNOR AND PROVIDES FOR PAYMENT OF NATIONAL GUARDSMEN WHO ARE REQUIRED TO PERFORM PREPATORY DUTIES.**

**INTENT**

HB 532 clarifies the authority of the Montana Department of Military Affairs ("DMA"), pursuant to 10-1-102 (Powers and duties of department of military affairs), MCA, to use National Guard resources and place MT National Guard personnel on "State Duty for Special Work" ("SDSW"). HB 532 defines "SDSW" as any activity (ex. administrative functions, exercises, training, coordination, or planning) that is conducted for the purposes of preparing the MT National Guard for State Active Duty ordered by the Governor under the authority of Article VI, sec. 13, of the Montana Constitution. SDSW does not include State Active Duty order by the Governor pursuant to Article VI, section 13.

Section 10-1-102 (Powers and duties of department of military affairs), MCA, authorizes DMA to "...administer and train..." the National Guard. Training (to include planned and exercised responses to possible State Active Duty missions) is essential to the MT National Guard in order to prepare for and successfully accomplish its constitutionally mandated state missions (which range from support of law enforcement to protecting life and property). The MT National Guard is not authorized to expend federal monies, nor use federally funded training, to plan, train, or prepare for its state missions.

HB 532 also amends Title 10, chapter 1, part 5 (Compensation for Militia), MCA, to provide payment for MT National Guardsmen who perform SDSW. Currently, the state military pay statutes only authorize pay and allowances for military members who perform State Active Duty which is ordered by the Governor pursuant to Article IV, Section 13, of the Montana Constitution.

**CONCLUSION**

HB 532 clarifies the MT Depart. of Military Affairs' statutory authority, pursuant to 10-1-102 (Powers and duties of department of military affairs), MCA, to order members of the MT National Guard to State Duty for Special Work ("SDSW"). SDSW will be used to conduct planning, training, and exercises, and perform administrative duties, which are related to preparing for State Active Duty missions which may be ordered by the Governor pursuant Article VI, section 13, of the Montana Constitution. The MT National Guard may not expend federal funds, nor use federally funded training to prepare for its state missions.

HB 532 also provides for pay and allowances for MT National Guardsmen who perform SDSW. Currently, the state military pay statutes only authorize pay and allowances for military members who are called to State Active Duty ordered by the Governor pursuant to Article VI, section 13, of the Montana Constitution.

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